

REMARKS

Claims 1-12 were pending in this application.

Claims 1-12 have been rejected.

Claims 1-12 have been amended as shown above.

Claims 13-20 have been added.

Claims 1-20 are now pending in this application.

Reconsideration and full allowance of Claims 1-20 are respectfully requested.

I. OBJECTIONS TO SPECIFICATION

The Office Action notes the guidelines regarding the preferred layout of a patent specification. Because the Office Action does not object to the layout of the Applicant's specification, the Applicant has not amended the layout of the specification.

The Office Action objects to the title of the application, asserting that the title is not descriptive of the claimed invention. The Applicant has amended the title. The Applicant respectfully submits that the amended title is descriptive of the claimed invention. The Applicant respectfully requests withdrawal of the objection.

The Office Action objects to Claim 9 as being an improper dependent claim. In particular, the Office Action notes that Claim 9 is a multiple dependent claim that is dependent on another multiple dependent claim. The Applicant has amended the claims so that none of the claims is a multiple dependent claim. The Applicant respectfully requests withdrawal of the objection.

II. REJECTION UNDER 35 U.S.C. § 112

The Office Action rejects Claim 9 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. In particular, the Office Action asserts that the phrase “and/or” renders the claim indefinite. The Applicant has reworded Claim 9 and removed the phrase “and/or.” The Applicant respectfully requests withdrawal of the § 112 rejection.

III. REJECTION UNDER 35 U.S.C. § 102

The Office Action rejects Claims 1-12 under 35 U.S.C. § 102(b) as being anticipated by European Patent Document EP0696852 to Akiyama et al. (“*Akiyama*”). This rejection is respectfully traversed.

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Akiyama recites an FM receiver having a narrow pass band filter, a wide pass band filter, and a noise canceller. (*Abstract*). The noise canceller includes a gate, which can be closed to prevent impulse noise from being passed to additional components in the receiver. (*Col. 4, Lines 16-24*). When impulse noise is detected, the gate is closed for different amounts of time,

depending on whether a signal being processed is sent through the narrow pass band filter or the wide pass band filter. (*Col. 4, Lines 28-31; Col. 5, Lines 4-12*).

Akiyama simply recites that the “gating period” in the noise canceller is based on whether the narrow pass band filter or the wide pass band filter is being used to process a signal. *Akiyama* lacks any mention that the gating period is based on the actual duration of a noise impulse. In particular, *Akiyama* lacks any mention of “adapting” a “time interval” in dependence on the duration of “individual interference components” as recited in Claims 1 and 10-12. As a result, *Akiyama* fails to anticipate these elements of Claims 1 and 10-12.

For these reasons, *Akiyama* fails to anticipate the Applicant’s invention as recited in Claims 1 and 10-12 (and their dependent claims). Accordingly, the Applicant respectfully requests withdrawal of the § 102 rejection and full allowance of Claims 1-12.

IV. NEW CLAIMS

The Applicant has added new Claims 13-20. The Applicant respectfully submits that no new matter has been added. The Applicant respectfully asserts that Claims 13-20 are patentable for the reasons given above. The Applicant respectfully requests entry and full allowance of Claims 13-20.

V. CONCLUSION

For the reasons given above, the Applicant respectfully requests reconsideration and full allowance of all pending claims and that this application be passed to issue.

SUMMARY


If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@davismunck.com*.

The Commissioner is hereby authorized to charge any fees connected with this communication (including any extension of time fees) or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

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